

ASSEMBLY BILL

No. 748

Introduced by Assembly Member Wolk

February 17, 2005

An act to amend Section 14666.8 of the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 748, as introduced, Wolk. Wireless communications.

(1) Existing law authorizes the Director of General Services, on behalf of the state, to negotiate and enter into an agreement to lease Department of General Services-managed and state-owned real property to any provider of wireless telecommunications services for location of its facilities, subject to specified criteria.

This bill would provide that, with respect to real property that is part of the State Water Resources Development System, the director may only negotiate and enter into an agreement under these provisions with the written approval of the Department of Water Resources, and with respect to real property that is part of the Sacramento River or San Joaquin River flood control system, with the written approval of the Reclamation Board. It would require the director to charge an application fee sufficient to reimburse the Department of Water Resources or the Reclamation Board for its respective costs in this regard.

(2) Existing law requires any revenue collected from a lease entered into under these provisions to use property that was acquired with money from a fund other than the General Fund to be deposited into the fund from which the money was obtained, to be available upon appropriation by the Legislature, notwithstanding any other provision of law.

Existing law requires all revenues derived from the sale, delivery, or use of water or power, and all other income or revenue derived by the state from the State Water Resources Development System to be deposited in a special account or accounts in the California Water Resources Development Bond Fund according to specified criteria.

This bill would provide that if a wireless telecommunications facility is sited on real property acquired with funds from the State Water Resources Development System, all revenue generated from the lease or related transaction, shall be deposited into the appropriate account in the California Water Resources Development Bond Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14666.8 of the Government Code is
2 amended to read:

3 14666.8. (a) The director shall, within 120 days of the
4 operative date of this section, compile and maintain an inventory
5 of state-owned real property that may be available for lease to
6 providers of wireless telecommunications services for location of
7 wireless telecommunications facilities. This inventory shall be
8 the state's sole inventory of state-owned real property available
9 for this purpose. The term "state-owned real property," as used in
10 this section, excludes property owned or managed by the
11 Department of Transportation and property subject to Section
12 7901 of the Public Utilities Code.

13 (b) The director shall provide, in a cost-effective manner, upon
14 payment of any applicable fee, a requesting party a copy of the
15 inventory.

16 (c) ~~On~~ (1) Subject to paragraphs (2) and (3), on behalf of the
17 state, the director may negotiate and enter into an agreement to
18 lease department-managed and state-owned real property to any
19 provider of wireless telecommunications services for location of
20 its facilities. A lease for this purpose shall do all of the following:

21 ~~(1)~~

22 (A) Provide for fair market value to be paid by the provider of
23 wireless telecommunications service to the state to the extent
24 permitted under existing state law.

25 ~~(2)~~

1 (B) Designate a lease term that is acceptable to the director
2 and the state agency that has control over the property. The
3 duration of the initial lease term for any wireless facility may not
4 exceed 10 years, and the lease may provide for a negotiated
5 number of renewal terms, not to exceed five years for each term.

6 ~~(3)~~

7 (C) Provide for the use of the wireless provider's facilities
8 located on the state-owned real property by any appropriate state
9 agency if technically, legally, aesthetically, and economically
10 feasible.

11 ~~(4)~~

12 (D) Facilitate, to the greatest extent possible, agreements
13 among providers of wireless telecommunications services for
14 colocation of their facilities on state-owned real property.

15 (2) *With respect to real property that is part of the State Water*
16 *Resources Development System, the director may only negotiate*
17 *and enter into an agreement described in paragraph (1) with the*
18 *written approval of the Department of Water Resources. The*
19 *director shall charge an application fee sufficient to reimburse*
20 *the Department of Water Resources for its costs for review and*
21 *analysis of proposed encroachments that are incurred pursuant*
22 *to a request of a provider of wireless communications services.*

23 (3) *With respect to real property that is part of the Sacramento*
24 *River or San Joaquin River flood control system, the director*
25 *may only negotiate and enter into an agreement described in*
26 *paragraph (1) with the written approval of the Reclamation*
27 *Board. The director shall charge an application fee sufficient to*
28 *reimburse the Reclamation Board for its costs for review and*
29 *analysis of proposed encroachments that are incurred pursuant*
30 *to a request of a provider of wireless communications services.*

31 (d) Nothing in this section alters any existing rights of
32 telegraph or telephone corporations pursuant to Section 7901 of
33 the Public Utilities Code.

34 (e) ~~Notwithstanding~~ (1) *Except as provided in paragraph (2),*
35 *and notwithstanding any other provision of law, any revenue*
36 *collected from a lease entered into pursuant to this section to use*
37 *property that was acquired with money from a fund other than*
38 *the General Fund shall be deposited into the fund from which the*
39 *money was obtained. Money received and deposited into a fund*

1 pursuant to this section shall be available upon appropriation by
2 the Legislature notwithstanding any other provision of law.
3 *(2) Notwithstanding paragraph (1), if a wireless*
4 *telecommunications facility is sited on real property acquired*
5 *with funds from the State Water Resources Development System,*
6 *all revenue generated from the lease or related transaction, shall*
7 *be deposited into the appropriate account in the California*
8 *Water Resources Development Bond Fund, subject to Section*
9 *12937 of the Water Code.*

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